UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,675	12/29/2005	Koichi Oka	06854.0049	8279
	7590 03/18/201 ENDERSON, FARAE	0 BOW, GARRETT & DUNNER	EXAM	IINER
LLP	ŕ	,	LAM, VINH TANG	
	OI NEW YORK AVENUE, NW (ASHINGTON, DC 20001-4413		ART UNIT	PAPER NUMBER
	,		2629	
			MAIL DATE	DELIVERY MODE
			03/18/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)					
Office Action Comments	10/562,675	OKA ET AL.					
Office Action Summary	Examiner	Art Unit					
	VINH T. LAM	2629					
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence ad	ldress				
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 16(a). In no event, however, may a reply be tim ill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONEI	J. lely filed the mailing date of this o ○ (35 U.S.C. § 133).					
Status							
1) Responsive to communication(s) filed on 29 De	ecember 2005.						
	action is non-final.						
3) Since this application is in condition for allowan		secution as to the	e merits is				
closed in accordance with the practice under <i>E</i>	•						
Disposition of Claims							
·							
· · · · · · · · · · · · · · · · · · ·	Claim(s) <u>1-16</u> is/are pending in the application.						
5) Claim(s) is/are allowed.	4a) Of the above claim(s) is/are withdrawn from consideration.						
6) Claim(s) is/are rejected.							
7) Claim(s) is/are rejected.							
8) Claim(s) 1-16 are subject to restriction and/or e	election requirement						
· · · · · · · · · · · · · · · · · · ·	nection requirement.						
Application Papers							
9)☐ The specification is objected to by the Examine	r.						
10)☐ The drawing(s) filed on is/are: a)☐ acce	epted or b) \square objected to by the E	Examiner.					
Applicant may not request that any objection to the o	drawing(s) be held in abeyance. See	e 37 CFR 1.85(a).					
Replacement drawing sheet(s) including the correcti	on is required if the drawing(s) is obj	ected to. See 37 Cl	FR 1.121(d).				
11)☐ The oath or declaration is objected to by the Ex	aminer. Note the attached Office	Action or form PT	ΓO-152.				
Priority under 35 U.S.C. § 119							
 12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the priority 	s have been received. s have been received in Application	on No	Stage				
application from the International Bureau	•	a iii tiilo Hationai	Clago				
* See the attached detailed Office action for a list of		d.					
	·						
Attachment(s)							
1) Notice of References Cited (PTO-892)	4) Interview Summary						
Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO/SB/08)	Paper No(s)/Mail Da 5) Notice of Informal P						
Paper No(s)/Mail Date	6) Other:						

Application/Control Number: 10/562,675 Page 2

Art Unit: 2629

DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
- I. Claims 1-7, drawn to "control unit ... detected luminance", classified in class 345, subclass 89.
 - II. Claim 8, drawn to "test pattern", classified in class 348, subclass 175.
- III. Claims **9-11**, drawn to "control unit ... determine the mirror rotational velocity ... at blurred edge width is minimized", classified in class **345**, subclass **611**.
- IV. Claim **12**, drawn to the *process of use* "control unit ... detected luminance" classified in class **345**, subclass **89**.
- V. Claim **13**, drawn to the *process of use* "control unit … determine the mirror rotational velocity … at blurred edge width is minimized" classified in class **345**, subclass **611**.
- VI. Claims **14-15**, drawn to "control unit ... to calculate the moving velocity of the test pattern, ... determine the mirror rotational velocity, (and) drive the mirror...", classified in class **345**, subclass **89** and **611**.
- VII. Claim **16**, drawn to the *process of* "observing the moving velocity ... of test pattern" classified in class **345**, subclass **638**.
- 2. Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does

Application/Control Number: 10/562,675

Art Unit: 2629

not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the limitation "control unit ... detected luminance" is not required by the claimed combination "test pattern". The subcombination has separate utility such as test pattern in television as classified above.

Page 3

Inventions I and III are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the limitation "control unit ... detected luminance" is not required by the claimed combination "control unit ... determine the mirror rotational velocity ... at blurred edge width is minimized". The subcombination has separate utility such as driver to minimize blurred edge or to reduce flickering/pseudo image as classified above.

Inventions I and IV are related as *product and process of use*. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different

process of using that product. See MPEP § 806.05(h). In the instant case, "control unit ... detected luminance" can be used in Gamma Correction Circuit.

Inventions I and V are related as *product and process of use*. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product. See MPEP § 806.05(h). In the instant case, "control unit ... determine the mirror rotational velocity ... at blurred edge width is minimized" can be used in displays without galvanometer mirror.

Inventions I and VI are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the limitation "control unit ... detected luminance" is not required by the claimed combination "control unit ... to calculate the moving velocity of the test pattern, ... determine the mirror rotational velocity, (and) drive the mirror...". The subcombination has separate utility such as displays with galvanometer mirror as classified above.

Inventions I and VII are related as *product and process of use*. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially

different product or (2) the product as claimed can be used in a materially different process of using that product. See MPEP § 806.05(h). In the instant case, "observing the moving velocity ... of test pattern" can be used in testing pattern in television as classified above.

- 3. Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above and there would be a serious search and examination burden if restriction were not required because one or more of the following reasons apply:
 - (a) the inventions have acquired a separate status in the art in view of their different classification;
 - (b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;
 - (c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries);
 - (d) the prior art applicable to one invention would not likely be applicable to another invention;
 - (e) the inventions are likely to raise different non-prior art issues under 35 U.S.C.101 and/or 35 U.S.C. 112, first paragraph.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a invention to be examined even though the requirement

Application/Control Number: 10/562,675 Page 6

Art Unit: 2629

may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected invention.

If claims are added after the election, applicant must indicate which of these claims are readable upon the elected invention.

Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Conclusion

Application/Control Number: 10/562,675 Page 7

Art Unit: 2629

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VINH T. LAM whose telephone number is (571)270-3704. The examiner can normally be reached on M-F (7:30-5:00) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amare Mengistu can be reached on 571 272 1206. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vinh T Lam/ Examiner, Art Unit 2629

> /AMARE MENGISTU/ Supervisory Patent Examiner, Art Unit 2629